

Group I, comprising claims 1-6, drawn to a stable suspension, classified in class 424, subclass 94.1; and

Group II, comprising claims 7-13, drawn to a method to make a stabilized suspension, classified in class 435, subclass 188. In view of the mandatory requirements of 35 U.S.C. §121, Applicants provisionally elect Group I, comprising claims 1-6, with traverse.

Favorable reconsideration and withdrawal of the requirement for restriction, particularly the restriction among Groups I and II, is requested. It is noted that the Examiner has presented no evidence that a separate search would be required to act on the merits of any of claims 1 through 13. It is believed that a proper search to determine the patentable novelty of the stable suspension of claims 1 through 6 would include the process for making such suspension as defined in claims 7 through 13.

The Examiner's requirement for restriction was made pursuant to the provisions of the MPEP §806.05(f). Applicants kindly refers the Examiner to the provision of MPEP §803, which provides that, even if restriction is proper:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, it is courteously submitted that an examination of the entire application and all the claims can be made without serious burden.

The Examiner will have to examine Applicant's entire application in connection with her examination of the elected invention. No additional effort will be required to study the specification with respect to the remaining claims.

The Examiner is hereby authorized to call the undersigned attorney of record "collect" on any matter connected with this application. The telephone number is 212-588-0800.

In the absence of the undersigned attorney of record, the call will be accepted by any attorney empowered in this application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Jerome Rosenstock, Esq.
Registration No. 25,456
745 Fifth Avenue
New York, New York 10151
(212) 588-0800